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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,903	06/29/2001	Hiroyuki Irie	1466.1040	4931
21171	7590	10/20/2004	EXAMINER	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			GECKIL, MEHMET B	
			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/893,903

Applicant(s)

IRIE ET AL.

Examiner

Mehmet B. Geckil

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

1. Claims 1-11 are presented for examination.
2. Claims 8 and 10-11 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are indefinite because the following claim language is not clear:

- a) "passing an article..." in claim 8 is not clear because the nature of the article cannot be ascertained clearly. It is not clear whether it is a magazine article or something else; and
- b) "computer for a server" in claim 10 and "computer program for making a computer for a server" in claim 11 is not clear and vague and indefinite.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Finkelstein et al.

5. Finkelstein et al (6,283,923) taught the invention substantially as claimed including a communication system for remotely monitoring and diagnosing a user and communicating information between the sites, e.g., the user at the monitoring site and a central facility site, the system comprising:

the first site including

a) diagnosis means for performing a diagnosis of the user or patient of a terminal device on the network (col 7, line 37 et seq);

b) memory means (174) for memorizing private information of the user and a diagnosis result of the diagnosis means together with an ID key (col 7, lines 37-65);

c) first transmission means for transmitting the diagnosis result and the ID key to the user (col 7, line 30 et seq); and

d) second transmission means for transmitting the private information (patient information) and the diagnostic result to a second site (col 3, line 7 et seq.)

6. It would have been obvious to one of ordinary skill in the networking art at the time of the invention that the claimed invention differed from the teachings of Finkelstein et al only by a degree, e.g., in the second site receiving the ID key and private information and transmitting them to the first site to get the diagnostic result. Finkelstein et al taught a web based system using an internet web browser (see col 7, line 25 et seq.) it is well known in the networking art that any number or users or computers from

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many sites around the globe may access the information through the web browser by entering the proper URL of the server to see the diagnosis result. Since Finkelstein et al taught using web based system, it would be obvious to share the results with as many sites as desired including the claimed second site, see col 10, line 29 et seq.) The ID key would be the patient identification information (see col 7, line 62 et seq.) Finkelstein et al taught that diagnostic results were sent via email to the patient or user (see col 7, line 5 et seq; col 7, lines 65-67; col 8, line 1 et seq, and col 9, line 7 et seq.) As to the claimed server, Finkelstein et al taught running a web server (see col 10, line 19 et seq.) Other claimed elements are all obvious variations of the well known techniques of the web based networking systems.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mehmet Geckil whose telephone number is (703) 305-9676. The examiner can normally be reached on Monday through Friday from 6:30 A.M. to 3:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Jack Harvey, can be reached on (703) 305-9705. The fax phone numbers for the organization where this application or proceeding is assigned are listed hereinbelow.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800/4700. Customer service number is (703) 306-5631.

**Any response to this action should be mailed to:**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**or faxed to:**

(703) 872-9306

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Hand-delivered responses should be brought to Crystal Park II, 2021  
Crystal Drive, Arlington. VA., Fourth Floor (Receptionist).

10/15/04

A handwritten signature in black ink, appearing to read "Mehmet Geckil". The signature is written in a cursive, flowing style.

MEHMET B. GECKIL  
PRIMARY EXAMINER